

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRIAN HOOLIHAN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO.: 1:10-CV-1753-SCJ
CLAYTON COUNTY, GEORGIA,)	
DAVID S. KENDLE,)	
MICHAEL W. HOBBS,)	
JOHN DOE, JANE DOE)	
)	
Defendants.)	

DECLARATION OF GREGORY PORTER
UNDER PENALTY OF PERJURY

1.

My name is GREGORY PORTER. I am over the age of twenty-one (21) years and am suffering under no legal disability that would prevent me from giving testimony. I make this declaration having personal knowledge of the facts stated herein, and with the understanding that it will be used in the above-styled action.

2.

I am the Chief of the Clayton County Police Department. As the Chief of Police, my responsibilities include, but are not limited to, the development,

training, supervision, and discipline of officers with regard to police department policies.

3.

The Clayton County Police Department maintains written a policy regarding the use of force. Departmental policies are reviewed, evaluated and amended from time to time. A true and correct copy of the use of force policy which was in effect on February 5, 2009 is attached hereto as Exhibit "1."

4.

As the policy existed on February 5, 2009, and as it exists today, an officer should use the least amount of force perceived to be reasonably necessary under the circumstances to safely control a situation. Officers are, however, permitted to use whatever force is reasonable and necessary to protect themselves or others from bodily harm. Necessary force is defined as the minimum amount of force which is required to achieve a legitimate police objective.

5.

The Clayton County Police Department policy in effect on February 5, 2009 did not allow officers to use more force than necessary to subdue an arrestee.

6.

All officers employed by the Clayton County Police Department are required to undergo training and obtain certification from the Georgia Peace Officers Standards and Training Council. Such training includes the proper use of force. The use of force, including deadly force, is also discussed frequently during in-service training classes and meetings.

7.

Each year officers are re-trained in the proper use of deadly force when they re-qualify to carry their firearms.

8.

Although the officers are trained in the general principles relevant to the use of force, the officers are also expected to use their discretion when deciding precisely how force would be applied in the course of an arrest.

9.

Officers are further trained and instructed by their supervisors to make reasonable accommodations to persons with disabilities. In order to do so, however, an officer who encounters a person who appears to be in an altered state of consciousness -- whether this is caused by intoxication, a psychological disorder, or a medical condition -- must first secure the area for the safety of all persons involved at the scene.

10.

The Clayton County Police Department enforces its policies through the chain of command and through internal departmental investigations.

11.

The incident with Mr. Hoolihan was investigated by the Internal Affairs Unit. The investigation revealed no violations of policy or law by the officers involved.

12.

By my signature below, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 12th day of August, 2011.



GREGORY PORTER